



New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	11	Instructional Staff	4/18/2005
Subchapter:	1	Tenure	
Section	8	Disciplinary action--tenured staff (N.J.A.C. 10:11-1.8)	

§10:11-1.8 Disciplinary action--tenured staff

(a) In a case where disciplinary action is recommended or implemented, which does not involve dismissal or reduction in salary, as a result of charges made against a tenured employee of the Department of Human Services, the appointing authority and the Director, Office of Education, or his or her qualified designee shall act in accordance with Department of Human Services Administrative Order 4:08, a copy of which may be obtained from the employing facility.

(b) In a case where disciplinary action will result in dismissal or reduction in salary, for reasons other than inefficiency, the charges shall be filed with the Director of Employee Relations. The charges shall be stated with specificity as to the action or behavior underlying the charges and shall be accompanied by a supporting statement of evidence, both of which shall be executed under oath by the person or persons instituting such charges.

(c) The charges, along with the required sworn statement of evidence, shall be transmitted to the affected employee and the employee's representative, if known, within three working days of the date they were filed with the Director of Employee Relations. Proof of mailing or in-person delivery shall constitute proof of transmittal.

(d) The affected tenured employee shall have the opportunity to submit to the Director of Employee Relations a written statement of position and a written statement of evidence, both of which shall be executed under oath with respect thereto, within 15 days of receipt of the tenure charges.

(e) Within 45 days of receipt of the affected tenured employee's written statement of evidence under oath or upon expiration of the allotted 15-day time period, the Director of Employee Relations shall determine whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary.

(f) The Director of Employee Relations shall immediately notify in writing the affected employee against whom the charge has been made of the determination, in person or by certified mail to the last known address of the employee and the employee's representative, if known.

(g) If the Director of Employee Relations determines that probable cause exists and that the charges, if credited, warrant dismissal or reduction in salary, he or she shall file such charges and the required certification with the Commissioner of the Department of Education, together with proof of service upon the employee and the employee's representative, if known.

(h) Procedures for tenure charges based on inefficiency and procedures governing processing and hearing provisions subsequent to the filing of charges in (g) above are set forth at N.J.A.C. 6A:3-5.1 through 5.6.

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